1	UNITED STATES
2	ENVIRONMENTAL PROTECTION AGENCY
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12	OHIO PETITION REVIEW
13	PUBLIC MEETING
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21	Tuesday, November 13, 2001 Afternoon Session
22	Palermo Room
23	Holiday Inn 175 Hutchinson Avenue
2 4	Columbus, Ohio 43085

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1 LOUIS CAPOBIANCO: My name's Louis
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- 2 Capobianco, C-a-p-o-b-i-a-n-c-o. First name
- 3 is L-o-u-i-s.
- 4 I'm a legislative aide for state
- 5 senator -- Ohio State Senator Craig
- 6 DiDonato, D-i-D-o-n-a-t-o. I'm providing
- 7 testimony on his behalf -- his written
- 8 testimony, because he was not able to make
- 9 it due to his duties at the statehouse this
- 10 afternoon. His testimony -- I'll begin
- 11 reading it -- is dated today, November 13th,
- 12 2001, written from his point of view.
- "I am providing testimony today
- 14 because I believe there have been grievous
- and egregious errors made by the Ohio
- 16 Environmental Protection Agency. It will be
- 17 referred to as OEPA from now on throughout
- 18 the letter. I am specifically concerned
- 19 with the manner in which the OEPA has
- 20 handled the siting and regulating the
- 21 landfills throughout the state.
- 22 "I am the elected senator of the
- 23 30th Senate District of Ohio. In my
- 24 district alone, there are eight operating

1 landfills. It is obvious to me there has

- 2 been a dereliction of duty by the OEPA and
- 3 lax oversight of the landfills. As the OEPA
- 4 permits the expansion and siting of more
- 5 landfills in the 30th district, they are
- 6 creating an environmental time bomb.
- 7 Clearly there is an obvious and overt
- 8 saturation of landfills throughout eastern
- 9 and southeastern Ohio. It appears to me the
- 10 OEPA has made a concerted effort to take
- 11 advantage of the people, those traditionally
- 12 who do not have a voice in the political
- process due to their socioeconomic status.
- "Today, that changes. I submit this
- 15 testimony on their behalf to have their
- 16 concerns raised and voices heard. The Pine
- 17 Hollow Landfill in Steubenville, Ohio has
- 18 been operating for years under the radar of
- 19 the OEPA's regulations. Until recently, the
- 20 site was accepting any and all waste and
- 21 storing it wherever they saw fit. The
- 22 residents of the area have been complaining
- 23 for years about the stench and clouds of
- 24 smoke emitted from the site almost every

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1 day, yet the OEPA did nothing.
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- 2 "Recently, the attorney general's
- 3 office filed an injunction against the Pine
- 4 Hollow Landfill, charging the owner/operator
- 5 with over 100 indictments. The most recent
- 6 heat-sensitive aerial photographs show over
- 7 30 percent of the landfill to be on fire
- 8 underground. It is unbelievable that the
- 9 OEPA allowed this situation to progress this
- 10 far. They were aware of the situation, yet
- 11 refused to shut Pine Hollow down.
- 12 "The lack of action from the OEPA is
- 13 unexcusable. This is not only an issue of a
- 14 bureaucracy not doing its job, the OEPA has
- 15 put citizens at risk. There is a high
- 16 probability of ground water contamination,
- 17 yet OEPA appears to be unconcerned.
- 18 "The OEPA also has not considered
- 19 the issue of abandoned mines, which are
- 20 prevalent in eastern and southeastern Ohio.
- 21 Landfills built on, around or near these
- 22 abandoned mines can lead to leaching and
- 23 runoff. These underground mines run for
- 24 miles, and the risk of contamination is

1 severe, yet the OEPA has failed to treat

- 2 this as a serious matter. These issues must
- 3 be dealt with before the OEPA continues to
- 4 grant permits to the operation of landfills.
- 5 It is simply unsafe to operate in this
- 6 manner.
- 7 "Additionally, the OEPA has failed
- 8 to consider the location and safety of
- 9 watering aquifers as they site landfills.
- 10 The quality and safety of water supplies
- 11 cannot be jeopardized because of the
- 12 location of landfills. It is unconscionable
- 13 that OEPA would neglect water aquifers in
- 14 favor of siting a landfill. The OEPA has
- 15 put the health of Ohio citizens at risk by
- 16 not ensuring the safety of the water
- 17 aquifers.
- "I appreciate the opportunity to
- 19 present this written testimony for the
- 20 public hearing. If you have any questions,
- 21 please do not hesitate to contact me.
- 22 Sincerely, Gregory L. DiDonato, Ohio State
- 23 Senator, 30th District."
- 24 The contact information is found on

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1 the senator's letterhead. Thank you.
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- 2 ERIN MILLER: My name is Erin
- 3 Miller. It's E-r-i-n, M-i-l-l-e-r. And I'm
- 4 with the Friends of the Lower Olentangy
- 5 Watershed.
- 6 We have a few concerns, most of
- 7 which are ground and surface water concerns.
- 8 The Gowdy Landfill in Columbus, Cherry
- 9 Street Landfill in Delaware, T. Marzetti's
- 10 Company, which is in Columbus, and that, by
- 11 the way, is under U.S. EPA investigation,
- 12 but we haven't heard an update on what's
- going on with it, so -- AC Humko and Timken,
- 14 T-i-m-k-e-n, in Columbus. And both of those
- 15 companies have oil contaminating the ground
- 16 water, which is leaking into the river
- directly or a storm sewer that's going to
- 18 the river. And the Ohio EPA has known about
- 19 it for about 15 years, and they haven't done
- 20 anything. And right now, Timken and AC
- 21 Humko are in the process of leaving town.
- 22 They are trying to sell both of the
- 23 businesses. And the Ohio EPA still hasn't
- 24 issued an order to have those sites cleaned

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1 up. So -- and I think they need to do it
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- 2 soon before they leave town so there's a
- 3 responsible party.
- And then on a different note, we are
- 5 concerned about the cumulative effects of
- 6 issuing 401 certifications in response to
- 7 the Army Corps of Engineers 404 permits,
- 8 because the Ohio EPA doesn't look at the
- 9 cumulative effects of these different
- 10 headwater projects. They only look at them
- on an individual case-by-case basis. So
- when you've got one project, they can say,
- 13 well, there's not that much damage from this
- one project, but when you look at it in a
- whole, it's causing tons of damage. We're
- losing headwater streams left and right.
- So if there can be something done to
- 18 have them look at it cumulatively, that
- 19 would be helpful. I think that's it.
- 20 Thanks.
- 21 MICHAEL UTT: Michael Utt, U-t-t,
- 22 president of the Ohio Small Mouth Alliance,
- 23 a conservation angling group.
- 24 Approximately 44 percent of streams

1 in Ohio do not meet the Clean Water Act

- 2 standards set in 1972. Hydromodification,
- 3 which is channelization and relocation, is
- 4 the number one impairment to these streams,
- 5 yet Ohio EPA leads the nation in the study
- of biology in relationship to stream health.
- 7 Why is Ohio -- I know this is a question,
- 8 but why is Ohio EPA's 401 permit tied to the
- 9 Army Corps 404 process when we can relocate
- 10 streams and rivers throughout Ohio without a
- 11 permit review? And how does that relate to
- 12 the Clean Water Act antidegradation rules?
- 13 Less than three minutes.
- 14 MARY ANN BAKER: Mary Ann Baker,
- M-a-r-y, A-n-n, B-a-k-e-r, the Darke County,
- 16 Mercer County area.
- 17 Recently we had the possibility of
- 18 the largest hog farm coming to within a mile
- 19 of the tourist town of Celina and the lake
- 20 of Grand Lake St. Mary's. A group went
- 21 together to oppose it, hired an attorney.
- 22 It was okayed by EPA, but we were allowed --
- 23 we got an attorney and it was stalled. It
- was over 9,000 finishing hogs. Again, they

- were within a mile of a tourist area.
- 2 They were going to use a dry hog
- 3 farm system -- hog barn system that had a
- 4 model that had never been used out among the
- 5 public. It was only a model building in
- 6 Darke County. We were opposed to this,
- 7 because it sits so close to the city and
- 8 because we were not totally sure this model
- 9 barn was going to work as well out in the
- 10 public. We got stalled for about a year and
- 11 a half. EPA -- then they went ahead,
- 12 everything was granted, everything was going
- 13 to happen. And then the EPA, a branch of
- 14 it, was going to loan them the money, over a
- 15 million dollars for it. And I was amazed
- 16 that EPA even had that facility that they
- 17 can loan money. This put a doubt in my
- 18 head, because if they're going to -- if a
- 19 branch of it's going to do the inspections
- 20 and hold them to a certain -- a group of
- 21 regulations and then they're making payments
- 22 to EPA, it seemed like a double standard
- 23 here or conflict of interest, I guess.
- 24 The other thing happened, then, they

1 never built. I've heard later that for one

- 2 reason, they lost their contract. They did
- 3 lose their contract, but there were other
- 4 contracts to be had. I heard the primary
- 5 reason they lost it is because the barns
- 6 themselves have been found to be defective.
- 7 They're being redesigned as we speak, and
- 8 they're not even being built at this point.
- 9 If that is the case, I'd like to
- 10 know it, because it would seem that EPA was
- 11 about to put Celina and that tourist city
- into harm's way by not only granting it on
- 13 that model and then loaning them money on
- that model, their barns would have been
- built by now and we would be in harm's way.
- 16 I'd like to know if these buildings -- and
- 17 there was Ohio Extension that was behind the
- 18 design.
- 19 That's why I came here. I'm hoping
- 20 I can get an answer as to whether these
- 21 barns have been proven defective. That's
- 22 it.
- 23 LINDA BRISCOE: My name is Linda
- 24 Briscoe. That's B-r-i-s-c-o-e. I'm the

1 president of the Winton Hills Citizen Action

- 2 Association, as well as the Ohio Cincinnati
- 3 Women's Health Project. My address is 4833
- Winneste, that's W-i-n-n-e-s-t-e, Avenue.
- 5 That's Cincinnati, Ohio, ZIP code is 45232.
- 6 My phone number is area code 513-641-3081.
- 7 I'm here on their behalf because our
- 8 community is surrounded by -- with three
- 9 landfills and 42 chemical companies. And
- 10 our community is -- has a population of
- 11 20,000, over 8,000 youth. And we have a
- 12 health epidemic there.
- 13 In 19 -- I think it was 1996, Carol
- 14 Brown was sent by the EPA back to our
- 15 community to help us to address the issues
- 16 that we were trying to address. And then we
- 17 had three big concerns we was asking the EPA
- 18 to identify and help us with, and that was
- 19 with an evacuation plan, a siren, and to
- 20 train the community for -- in case a
- 21 disaster, preparation for disaster.
- 22 We set up a collaborative meeting
- 23 which brought in the resources of
- 24 Cincinnati, like the health department, the

1 fire department, the city and all of that,

- 2 to help us put it together. So the three
- 3 things that we was working on and trying to
- 4 get from the EPA, we met for two years and
- 5 we still to this day do not have either one
- 6 of them.
- We still have a large population,
- 8 one way in and one way out. We have large
- 9 quantities of methane gas coming out. An
- 10 explosion could happen at any time, and we
- 11 still don't have the evacuation siren or the
- 12 community preparation for disaster.
- And one of the other things, we did
- win a suit about closing down Elder Landfill
- 15 Company, but they had a grandfather clause,
- which left them two other permits to bring
- in. But since they closed down, where they
- 18 can't bring in solid waste garbage, now they
- 19 have opened up a transfer station. And they
- 20 did not have a public hearing; EPA Region 5
- 21 gave them a permit. We're fighting right
- 22 now because we were totally unaware of it.
- 23 It was supposed to have been a recycling
- 24 bin, is what we were told before it was

1 built, and then after it was built, somehow

- 2 they got a permit through the EPA Region 5
- 3 for a transfer station without letting the
- 4 community know anything about it.
- 5 We are at this point trying to stop
- 6 the health department from getting them a
- 7 permit, because they are bad neighbors; they
- 8 have a lot of corruption. They have been
- 9 fined thousands of times, and we really want
- 10 the EPA and -- to really address these
- issues or get rid of them, one or the other.
- 12 That's it.
- 13 FRED ARMENT: My name's Fred Arment,
- 14 A-r-m-e-n-t. And this is a comment
- 15 regarding funding of the Ohio EPA, or
- 16 underfunding.
- In 1998, the Ohio EPA tested a well
- in our neighborhood very close to our house
- 19 and found cancer-causing VOCs, which were
- 20 above the maximum contaminant level. Due to
- 21 a lack of funding, we were told, it was over
- 22 two and a half years later that they tested
- our well as a follow-up, and found about the
- 24 same level of contamination. We lived in

- 1 our house for about seven years, drinking
- 2 and using contaminated water that we did not
- 3 know about. And this has certainly affected
- 4 the health of my family and my two children.
- 5 But two and a half of those years could have
- 6 been avoided if the EPA had the funds for an
- 7 immediate follow-up test.
- 8 The local representative for the
- 9 Ohio EPA was great, by the way. This is not
- 10 a comment toward him, but the Ohio
- 11 legislature and the funding problem. Two
- 12 and a half of those years could have been
- 13 avoided if the Ohio EPA had the funding for
- 14 an immediate follow-up test. We are holding
- 15 the source of the contaminant responsible
- 16 for possible damage to our health during
- 17 those seven years. And I would imagine that
- 18 that means that we could also hold the Ohio
- 19 legislature and the Ohio EPA responsible for
- 20 two and a half of those years legally.
- 21 So at a certain point, people have
- 22 to own up to what they -- their
- 23 responsibilities are in a legal manner. And
- I think that if a company should be held

1 legally responsible, then the government

- 2 should also be held legally responsible and
- 3 those who are in charge at the time.
- 4 The second comment is that once we
- 5 actually found out about the contamination,
- 6 we were told that we weren't to drink the
- 7 water, and that we were to take cold
- 8 showers, et cetera. And at that point, they
- 9 said we were basically on our own. They
- 10 didn't have enough funds to really do
- 11 anything about it. As a matter of fact,
- 12 they didn't have enough funds to redo the
- 13 test. We were too small of an area, I
- 14 suppose. But we went and tried to get the
- Ohio Health Department and the Greene County
- 16 Health Department involved. It took two and
- a half or three months to get a retest, and
- 18 at the point where they again found
- 19 contamination in our neighborhood with a lot
- 20 of different wells, we were again told that
- 21 there was really nothing they could do at
- 22 that point. They find out that you have
- 23 contamination, they can go to the source and
- 24 do a RCRA, and -- but at that point, there's

- 1 no real help for the people who are
- 2 contaminated -- the receptors of the
- 3 contamination.
- 4 And I think that funding needs to be
- 5 provided, not only for these retests, which
- 6 are very important, but also a little bit of
- 7 information, a little bit of help for the
- 8 people that are actually being contaminated.
- 9 And I think that that should be also on the
- 10 agenda, and also funded by the state
- 11 legislature. Thank you.
- JOHN BEER: My name is John Beer.
- 13 It's J-o-h-n, B-e-e-r. I live at -- in
- 14 Yellow Springs in Greene County, Ohio.
- We joined the lawsuit against Vernay
- 16 Laboratories in Yellow Springs in August of
- 17 1999. My wife and I have three children and
- 18 have lived in Yellow Springs since 1993 and
- 19 have built a house on Omar Circle in 1996.
- 20 We attended a meeting at Vernay in December
- of 1998. This is when we first learned of
- the contamination of the Vernay site with
- 23 toxic chemicals. Tests near the center of
- 24 Vernay's property showed concentrations of

1 TCE at 860 pounds per billion -- parts per

- billion, and tetrachloroethylene at 4,600
- 3 parts per billion, along Vernay's eastern
- 4 border, 172,920 times the federal limit,
- 5 respectively.
- 6 In February of 1999, Vernay placed a
- 7 monitoring well in the street in front of
- 8 our property. The first readings from the
- 9 well verified that TCE and other dangerous
- 10 chemicals over the federal limit in the
- 11 ground water under our property. Our
- 12 property is located approximately 300 feet
- from Vernay to the northeast and is between
- 14 Vernay and the monitoring well.
- From December, 1998 until we joined
- the lawsuit against Vernay in August of '99,
- 17 we searched for information about the extent
- 18 of the contamination and what Vernay and the
- 19 Ohio EPA were doing about the contamination.
- 20 We discovered the Ohio EPA knew of the
- 21 ground contamination as early as 1989.
- 22 Ground water tests on the Vernay site off
- 23 their property turned up levels of
- 24 tetrachlorocytolene and TCE higher than the

1 federal standard. This was documented by

- 2 the Ohio EPA.
- 3 In the 10 years from 1989 to 1999,
- 4 we read about many violations by Vernay, and
- 5 the only action taken by the Ohio EPA was to
- 6 levy fines for paperwork violations against
- 7 Vernay. We found no evidence that the Ohio
- 8 EPA was trying to discover the extent of the
- 9 contamination or enforcing any clean-up of
- 10 the site.
- 11 We learned that there was serious
- 12 concern about the air emissions from Vernay
- due to their vulcanization process. The
- 14 Ohio EPA responded to this by stating their
- local air agency, RCRA, had no mechanism for
- 16 verifying Vernay's air emissions. During
- 17 the meeting in December of 1998 we had with
- 18 Vernay, they stated they would be entering
- 19 the Ohio EPA VAP program. We discovered
- 20 that the VAP program did not provide for
- 21 community involvement. We were shocked to
- 22 learn that the VAP provisions allowed the
- 23 industry in our own backyard to keep
- 24 confidential information that they

discovered about the contamination, even if

- 2 this information was important to the safety
- 3 and health of the neighborhood.
- These are some of the reasons we
- 5 decided to join the lawsuit against Vernay
- 6 in August of 1999. Since then, we have
- 7 learned that the extent of the contamination
- 8 and threat -- I just have a couple sentences
- 9 left -- to our family was far greater than
- 10 Vernay had stated. Earlier in 2001, we
- 11 learned that levels of toxic chemicals had
- 12 quadrupled, according to the readings from
- 13 the monitoring well in front of our home.
- 14 We believe the citizen lawsuit is the only
- way for us to get reliable information and a
- 16 verifiable clean-up.
- JEAN SEBASTIAN: My name is Jean
- 18 Sebastian, J-e-a-n, last name
- 19 S-e-b-a-s-t-i-a-n. I'm with Lorain County
- 20 Neighbors Protecting Our Environment from
- 21 Elyria, Ohio.
- I live in an environmental justice
- 23 area, and we're being held prisoner in our
- 24 home. And depending upon which way the wind

is blowing, that determines whether or not

- 2 we can go outside or not and have outside
- 3 activities.
- 4 This is concerning Aztec Catalyst.
- 5 They're a chemical manufacturer in the
- 6 environmental justice area of Elyria.
- 7 Lorain County Neighbors Protecting Our
- 8 Environment, LCNPOE, discovered that Aztec
- 9 was seeking a modification to an air permit
- 10 to increase air emission from 3.5 tons to 27
- 11 tons per year of ground level ozone and VOC.
- 12 They did this because they could not comply
- 13 with the permit of 3.5 tons.
- 14 Under Ohio Administrative Code
- 3745-51-05(C), the director of the OEPA,
- 16 Christopher Jones, has the discretion to
- 17 consider all median when considering any and
- 18 all industry permits. Aztec Catalyst
- 19 requested a hazardous waste management
- 20 permit for their storage and incinerator.
- 21 It is unconscionable that Aztec even be
- 22 considered for an incinerator within city
- 23 limits of Elyria as Ross Incinerator is
- located in Grafton, five miles from Aztec.

1 Aztec is in constant noncompliance

- 2 with our city wastewater department. Their
- 3 pretreatment system is old and should be
- 4 replaced. When asked by the city's safety
- 5 service director if the wastewater
- 6 department could be in noncompliance or if
- 7 some other company other than Aztec could be
- 8 in noncompliance, the same as Aztec, the
- 9 answer is yes.
- 10 As usual, OEPA is not doing its job.
- 11 The citizens of Elyria and LCNPOE again had
- 12 to call on the U.S. EPA to help us in
- 13 Elyria. The U.S. EPA cited Aztec of 555
- 14 Garden Street, Elyria for alleged violation
- for installing a wastewater treatment plant
- 16 about 10 years ago that emits volatile
- organic compounds that lead to ground level
- 18 ozone. Ground level ozone can cause
- 19 respiratory problems, including reduced lung
- 20 function and speed up the aging process of
- 21 lung tissue. It can also cause eye
- 22 irritation, asthma problems and reduce
- 23 resistance to colds and other viruses.
- 24 Eric Hardin, an environmental

1 scientist with the U.S. EPA, said Aztec

- 2 initially did not obtain a permit for the
- 3 wastewater treatment plant. When it did, it
- 4 was not adequate. Aztec should have
- 5 undergone a new source review, which is a
- 6 series of reviews required of companies
- 7 before installing any large source of
- 8 possible pollutant, such as the wastewater
- 9 treatment plant. Hardin said the wastewater
- 10 treatment plant was not thought of as a
- 11 major source of emissions until a recent
- inspection showed otherwise. OEPA already
- 13 knew the tons of ozone chemicals coming off
- of the wastewater and shared that with the
- 15 group of LCNEPO. OEPA again failed to do
- 16 their job.
- 17 This facility is in an area that the
- 18 U.S. EPA deemed a nonattainment area for
- 19 ozone, Mr. Hardin said. Aztec was issued
- 20 another notice of violation earlier this
- 21 year for a chemical processing unit
- 22 exceeding the allowed emissions. OEPA
- 23 should have limited Aztec, but instead,
- 24 Chris Jones decided to modify their permit

- 1 to exceed the emissions of 3.5 tons to 27
- 2 tons per year. Mr. Jones could have, at his
- discretion, not issued this modification,
- 4 knowing that Aztec is located in an
- 5 environmental justice area and has a
- 6 reputation of being in noncompliance and a
- 7 nuisance to the neighbors with poisonous
- 8 chemical odors.
- 9 This is the usual story of the OEPA.
- 10 This is an outlaw company. OEPA should have
- 11 cited Aztec instead of citizens asking the
- 12 U.S. EPA to come in again. OEPA failed to
- do its job; U.S. EPA had to take over again
- 14 for the citizens of Elyria.
- As we dressed to come to Worthington
- 16 today at 6:45 this morning, Aztec had to be
- 17 reported to wastewater and to the OEPA for
- 18 their chemical odor from Building 14
- 19 permeating our area. We cannot even go
- 20 outside without experiencing physical
- 21 effects, pulmonary, eye and headaches.
- 22 Thank you.
- TODD NEIN: Todd Nein, N-e-i-n.
- Just a businessperson in the area.

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I had been to Schedule C with the
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- 2 EPA and the previous Bush Administration,
- 3 working in the office of regional operations
- 4 and state and local relations. I am
- 5 currently managing an outdoor store whose
- 6 company-wide sales exceed 14 million a year,
- 7 mostly in Ohio. We contend that a large
- 8 part of the sales that are associated with
- 9 water sports.
- 10 Over the years, we have had several
- 11 customers that have become very ill from
- 12 paddling in Ohio's streams. This is
- 13 unacceptable to me. The sewage overflow
- 14 problem in the state has gotten out of hand.
- 15 In southwestern Ohio, the metropolitan sewer
- district is a combined industrial and
- 17 residential sewage system. During heavy
- 18 rains, this system is combined with the
- 19 storm water system, and this untreated water
- 20 flows directly into the streams. This is
- 21 unacceptable. These are the same streams
- 22 that many of our customers recreate in.
- I find myself being placed in an
- 24 embarrassing position of having to inform

1 our customers of the health dangers our

- 2 streams in Ohio present to them. This is
- 3 unacceptable. That's it.
- 4 MILAN STEFKO: My name is Milan
- 5 Stefko, M-i-l-a-n, S-t-e-f-k-o. I am with
- 6 the group known as Lorain County Neighbors
- 7 Protecting Our Environment.
- 8 Aztec Catalysts and Nylonge
- 9 Corporation are located within an
- 10 environmental justice area. There are 11
- 11 companies that have the potential to emit
- more than 100 tons of chemicals per year
- 13 located in the city of Elyria. Nine of
- 14 these polluters are located west of the
- 15 Black River and south of Lowell Street. Six
- of these major polluters are located in a
- 17 disproportionately, disadvantaged
- 18 neighborhood which has been designated by
- 19 the U.S. EPA as an environmental justice
- 20 area. In the same area are located two
- 21 elementary schools, with one being located
- 22 adjacent to a superfund cleanup site,
- 23 Republic Steel, also known as LTV.
- 24 One block from Tappan Brownfield

- 1 site, Armco, Aztec Catalyst, York
- 2 International, Elyria Foundry, Elyria City
- 3 Landfill and Woodford Road Quarries, plus
- 4 other small industries. A west side
- 5 recreational center and Oakwood elementary
- 6 school with ball field, playground and
- 7 swimming pool, are located next door to
- 8 Nylonge and in close proximity to Moen, Rock
- 9 Creek Aluminum, Ohio Screw, Elyria Foundry
- 10 and the contaminated General Motors plant,
- 11 as well as many other smaller industries.
- 12 OEPA, after receiving all this
- 13 information and being begged not to allow
- any more emissions in this EJ area did, in
- 15 fact, modify permits for more emissions to
- 16 Aztec Catalyst and give new PTIs for more
- 17 air emissions to Nylonge Corporation. OEPA
- does not seem to know anything about these
- 19 facilities until the U.S. EPA appears at
- 20 their door. OEPA did not cite Aztec for its
- 21 chemical processing unit exceeding the
- 22 allowed emissions. Instead, Mr. Jones,
- 23 forcing Aztec to meet the limits with good
- 24 technology, chose instead to modify the

1 permit to allow even more emissions. OEPA

- 2 did not cite Aztec for their wastewater, but
- 3 the U.S. EPA had to come and investigate and
- 4 send notices of violations to Aztec in
- 5 November, 2001.
- 6 It is obvious that OEPA is not doing
- 7 their job under the direction of Christopher
- 8 Jones, and Mr. Jones should be dismissed.
- 9 He has refused to meet with any citizens
- 10 group of Ohio and would not even send
- 11 information to Mr. Jeff Manning, our state
- 12 representative from Elyria, about these two
- 13 companies after Mr. Manning requested this
- 14 information. Mr. Jones should have supplied
- Mr. Manning with this information; instead,
- 16 Mr. Manning asked LCNPOE to send the
- 17 information instead. Mr. Jones should be
- 18 fired for not responding to the state
- 19 legislature and for not doing his job in the
- 20 state of Ohio by protecting its citizens
- 21 instead of protecting industry.
- 22 PATRICIA MARIDA: My name is
- 23 Patricia Marida, M-a-r-i-d-a. And I am the
- 24 chair of the Central Ohio Sierra Club. We

1 have over 4,000 members in the central Ohio

- 2 area.
- 3 One of the tricks of the industry to
- 4 which OEPA continues to capitulate is the
- 5 breaking up of projects into segments and
- 6 then evaluating each segment separately as
- 7 to the contamination it will generate rather
- 8 than reviewing the project in its entirety.
- 9 One such example is the Columbus Peaking
- 10 facility, now located in south Columbus, who
- 11 divided its siting application into water
- 12 and air considerations. They were not
- 13 planning to use best available technology.
- 14 Region 5 EPA eventually told OEPA
- that the applicant's technological analysis
- 16 of appropriate control technology was
- 17 faulty, and that a more efficient and
- 18 expensive control method would be required.
- 19 So the citizens won on that instance, thanks
- 20 to Region 5.
- 21 When the City of Pickerington
- 22 submitted an application to double its
- 23 wastewater treatment capacity in July of
- 24 2000, the Ohio EPA waited until a week

before Christmas to hold a public hearing.

- 2 When a number of citizens turned up for the
- 3 hearing, Pickerington withdrew its request,
- 4 but later submitted another. Now we will be
- 5 going through the same process again. At
- 6 the first public hearing, OEPA revealed,
- 7 perhaps unwittingly, the drawings of plans
- 8 for construction of a sewer line along
- 9 Blacklick Creek from New Albany past
- 10 Pickerington. The first segment of the
- 11 sewer pipe to be constructed or increased in
- 12 size as part of it will be the lower one.
- 13 That is to be the part that will be
- 14 considered with Pickerington's request for
- increased wastewater treatment.
- And I have this, and I'll turn this
- in at the box with letters to Pickerington.
- DANIEL PROVINCE: My name is Daniel
- 19 Province, P-r-o-v-i-n-c-e. I'm chairman of
- 20 the Westland Area Commission, which is a
- 21 body in the City of Columbus.
- We do a lot of zoning. We're an
- 23 advisory board, so we hear a lot of zonings.
- Our border is the Hellbranch Creek, which

1 goes into the Darby. What we're finding is

- 2 a lot of pollution that's happening in
- 3 there. We're finding a lot of complaints
- 4 from the neighbors about flooding. The
- 5 hundred-year floodplain that is there was
- 6 established long before most of the zoning,
- 7 the last 20 years, and we wanted to have
- 8 them revisited. We've asked Ohio EPA to
- 9 look at that, to give us a new floodplain
- 10 profile, and we have not gotten that.
- 11 Also, we wanted to -- again, I'm not
- 12 prepared -- the real problem is the
- 13 pollution that's happening or the amount of
- 14 zoning that's allowed to go in and the
- 15 number of homes that are allowed to go in,
- 16 the number of actual people going in, the
- 17 number of surface area, so that peak flow
- has increased markedly, the Hellbranch Creek
- 19 being only a shallow river with muscles and
- 20 all kinds of wildlife and does not take well
- 21 to these rapid increases in both salt and
- 22 nonpoint pollution.
- Ohio EPA has not had time or money
- 24 to look into how to ameliorate that problem.

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1 I would like it if they could do that.
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- 2 That's all I have really to say.
- 3 MARIANNE JORDING: My name is
- 4 Marianne Jording. That's spelled
- 5 M-a-r-i-a-n-n-e, Jording, J-o-r-d-i-n-g. I
- 6 am with the Canal Winchester Downtown
- 7 Association in Canal Winchester, Ohio.
- 8 There is a development going on in
- 9 our community to bring in new businesses and
- 10 develop the organization, the town, the
- 11 community, and we seem to be stifled a
- 12 little there. We're having a hard time
- doing it, because there are two facilities
- 14 that are just completely closed down, shut
- down. Nobody is able to purchase them;
- 16 nobody's able to come up with the money
- 17 that's required to do what supposedly needs
- 18 to be done to bring this about. One of them
- 19 is a Marathon station. I believe it's been
- 20 vacant there for about six years, possibly
- 21 more. And there's underground storage
- 22 tanks. There was another gentleman in the
- other room that spoke about underground
- 24 storage tanks, so I thought I would have

1 this go along with what he was talking

- 2 about, in that investigation, of how you
- 3 take care of that as far as the EPA's
- 4 concerned.
- 5 The other is a restaurant, and it
- 6 has been vacant now for three years. And I
- 7 understand there's some EPA problems there
- 8 because of tanks that they have in the
- 9 restaurant that are still full of whatever
- 10 it was they had there three years ago when
- 11 they closed that restaurant down.
- 12 So basically that's it. Thank you.
- 13 SCOTT WELKER: My name's Scott
- 14 Welker, W-e-l-k-e-r. I'm a Sandy Township
- 15 trustee, which is in Stark County.
- 16 My main concern is drinking water.
- 17 My next concern is the Ohio EPA, in Sandy
- 18 Township, Stark County, has many landfills,
- 19 which is a nice name for a trash dump. Then
- 20 the Ohio EPA tells our residents a lot of
- 21 the landfills will -- in the future, most
- 22 liners will likely leak, which will pollute
- 23 our drinking water. What kind of protection
- 24 is this? Now, more drinking water -- we

1 have to look for more drinking water, so

- 2 let's look to the north. Can't do it.
- 3 Let's look to the south. Can't do it
- 4 either. Let's look to the east; let's look
- 5 to the west. Sorry, landfills all around
- 6 us. If not a landfill, there's a proposed
- 7 landfill. Now what do we do? Let's look to
- 8 Canton. It's the closest, biggest
- 9 municipality. Hmm. That's funny, Canton
- 10 gets their water from south of here. Now
- 11 they proposed another landfill close to the
- 12 Canton water supply. Now what do we do?
- We're sunk. We're dead ship. Thank you.
- 14 LOUISE SMITH: My name is Louise
- 15 Smith. And I'm chairman of the Rocky Fork
- 16 Creek Watershed Protection Task Force.
- 17 It is located in northeast Franklin
- 18 County, and we have been functioning for 10
- 19 years. I would like to say at the very
- 20 beginning that we are -- we've had a
- 21 wonderful relationship with many of the
- 22 people at Ohio EPA. There are many, many
- 23 dedicated people up there, and I don't think
- 24 anybody's said that today. But there are,

1 and we've worked with many of them. Our

- 2 concerns are with the enforcement and some
- 3 of the regulations.
- 4 To start with enforcement, in the
- 5 early years, we did two verified complaints,
- one in '91 and one in '93. The first one
- 7 took seven years to resolve, and the second
- 8 one six. And they were only resolved
- 9 because we about hounded them to death in
- 10 the director's office.
- 11 Then we spent the next eight years
- 12 trying to work with the local communities
- 13 along -- in our watershed. And we even
- 14 helped some of them write resolutions or
- ordinances to improve what was going on in
- 16 their communities, and we also worked with
- 17 soil and water. These were suggestions that
- 18 EPA made to us as ways we could help.
- 19 After eight years, we found that we
- 20 were just treading water. We were trying
- very hard to get ahead of the game and stop
- 22 problems before they occurred, because once
- 23 damage is done, it's done. And finally last
- year, we, along with the Blacklick Watershed

1 Group, Friends of Blacklick, who also are

- 2 located in northeast Franklin County, hired
- 3 a lawyer. And he explained to us our right
- 4 to have citizen suits against developers,
- 5 because development in our area is our
- 6 critical problem. And we filed some 60-day
- 7 suits, and developers paid attention
- 8 immediately. We realized that you need
- 9 to -- EPA needs to show a commitment to this
- 10 issue if they want developers to pay
- 11 attention. We wrote -- are you going to
- 12 give me a time frame?
- 13 FACILITATOR: I'll hold up your
- 14 card.
- 15 LOUISE SMITH: We wrote Director
- Jones a letter -- our two organizations
- 17 mailed a letter to Director Jones and he
- 18 responded. I'll tell you the three things
- 19 we talked to him about. The minimum amount
- 20 of staff, not enough staff; one building
- 21 site inspector for 10 counties. Here we
- 22 have, in just our county, more development
- 23 than probably the rest of the state and only
- one person. His response was, well, we get

1 11 interns in the summer. And we want you

- 2 to work with the communities and we want you
- 3 to work with soil and water, which we do.
- 4 And then he said -- we said, you aren't
- 5 showing developers a commitment to
- 6 enforcement, because you don't have enough
- 7 people doing it. And he responded we do,
- 8 that is a problem. And he said, we know the
- 9 cases that we're trying to take care of here
- 10 take time, and we don't have the people to
- 11 do it. But we're studying other states to
- 12 see how they do it.
- And thirdly, we said there has to be
- 14 a change in the permit system, because at
- 15 the present time, it is not working. We
- 16 tried everything. Developers are not paying
- 17 attention when the EPA inspector cites them
- 18 with problems, and the fact that the
- 19 sedimentation plan or the storm water plan
- 20 that they have to provide is not a public
- 21 document, makes it impossible for us to see
- 22 what they actually have planned. They have
- 23 to have it on site, it says, but it's not a
- 24 public document.

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1 And so we hope that they will
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- 2 recommit to the enforcement and get more
- 3 people involved.
- 4 WILBUR SMITH: My name is Wilbur
- 5 Smith -- with a U -- and I'm a resident of
- 6 Jefferson Township in Franklin County, and
- 7 her home, too.
- 8 First of all, I'd like to say I'm
- 9 very pleased that these public hearings are
- 10 being held. I was more than a little
- 11 disappointed in the first part of the public
- 12 hearing. I felt that the slides didn't say
- 13 very much. I felt that the
- 14 question-and-answer thing was abominable.
- Ohio EPA, U.S. EPA, they took
- 16 ping-pong balls, and it went back and forth
- 17 and back and forth in terms of who was
- 18 responsible, who's going to do what. Well,
- 19 I don't know about that. I was really -- I
- thought that needs to be reviewed in terms
- of how it's handled. I was in World War II,
- 22 and very, very proud of how our tax dollars
- 23 were spent. I went through all of the NASA
- 24 programs to get a man on the moon. Very

1 proud of how our tax dollars were spent.

- 2 The first hour in that room, I was disgusted
- 3 in terms of how our tax dollars were spent.
- 4 I think that another part of my
- 5 concern is I believe the U.S. EPA, along
- 6 with Voinovich, must have had some political
- 7 power to get our ex-Ohio EPA director since
- 8 they couldn't get him in enforcement in
- 9 Christy Whitman's shop, they sent him over
- 10 to the Navy to be involved in environmental
- 11 programs over there. Politically, it is a
- 12 disaster. That man had absolutely no
- interest in enforcement in Ohio or in any
- 14 community in Ohio.
- 15 And I agree with one of the comments
- 16 that was made by a lady in the other room:
- We've got to get the politics out of U.S.
- 18 EPA, and we've got to get the politics out
- 19 of Ohio EPA. Please try to do something
- 20 about it. I know it's difficult, but
- 21 neither will function effectively unless it
- 22 happens. Thank you.
- 23 BILL RESCH: I'm Bill Resch with the
- 24 Rocky Fork Watershed Protection Task Force,

- 1 Franklin County.
- 2 I also want to thank the EPA for
- 3 responding and setting up this public
- 4 hearing as a result of the petitions. These
- 5 remarks, if you don't mind, are in direct
- 6 response to Arnold Leder -- Leder, is it --
- 7 the water division person, his comments
- 8 during the question-and-answer period.
- 9 The United States EPA, I was
- 10 astonished to find out, concurs with the
- 11 Ohio EPA's implementation of the NPDES
- 12 permit system. But that process, to us,
- over 10 years, we found is critically
- 14 flawed. Even the best Ohio EPA inspector --
- 15 and we have one of the best -- cannot
- 16 implement, enforce the general storm water
- 17 permit process because of being critically
- 18 flawed. This particular inspector is one
- 19 inspector for 11 counties. Tomorrow we're
- 20 going to give him an award at our annual
- 21 meeting, Harry Kallipolitis of the central
- 22 district.
- What the problem is, is that you as
- 24 a developer or contractor submit an NOI,

1 notice of intent, for construction, but you

- 2 are not required to submit -- you're
- 3 required to prepare a storm water pollution
- 4 prevention plan, but you are not required to
- 5 submit it and have it reviewed. Mr. Leder
- 6 said, well, you should be more vigilant.
- 7 Well, we have in our area 80-acre sites, and
- 8 for us to get access to the storm water
- 9 pollution prevention plan, we can't get it,
- 10 because the contractor will say we're
- 11 trespassing or it's proprietary information.
- 12 So we go to the Ohio EPA, it's not on file
- there, so therefore, we can't get access to
- 14 a public document under their open records
- law, so this document is inaccessible to us
- to be a stakeholder and an interested party
- in the health of our watershed.
- 18 So it's critically flawed. It's
- 19 critically flawed at the United States
- 20 federal level, and it's critically flawed at
- 21 the Ohio EPA level. You do not have to
- 22 submit a storm water pollution prevention
- 23 plan with your application, just give them
- \$300, pay and you get a permit. I've even

4.2

1 been tempted to submit an application storm

- 2 water permit for my cat, you know. That's
- 3 not meant to be facetious, because I don't
- 4 have to submit a pollution prevention plan
- 5 for a litter box, but I'll get a permit if I
- fill out my cat's name, the site, pay \$300
- 7 and get a permit. It's so critically
- 8 flawed. Can you understand we cannot get
- 9 access to see if there are best management
- 10 practices being implemented? As the U.S.
- 11 EPA web site -- it was on your web site the
- 12 other day, and it has all the BMPs, but
- 13 there's no really direct way to see if they
- 14 are actually implemented.
- So that's essentially the problem.
- 16 Mr. Leder's rationale that we should be more
- 17 vigilant is flawed, because we can't get
- 18 access to pollution prevention plans. They
- 19 are not required to be submitted. I never
- 20 heard of anything so ineffective in the
- 21 sense of you're trying to have one, but you
- 22 aren't required -- it's like me getting a
- 23 driver's license without taking my test to
- see whether or not I can park and know which

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lane to turn or use a turn signal.
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- 2 So because of this policy, we beg --
- 3 we have talked to the Ohio EPA, we've
- 4 written a letter to Chris Jones, the
- 5 director of the EPA of Ohio. I have talked
- 6 to -- I had his name here -- the Ohio EPA's
- 7 Robert Phelps, division of surface water.
- 8 Same thing. I never realized that the U.S.
- 9 EPA condones this inadequate, ineffective
- 10 process. So please bring it to the notice
- of your policy makers that we are very, very
- 12 frustrated, disappointed and the -- this
- 13 process is critically flawed. It has no --
- 14 the best inspector, you could not get it
- 15 enforced because there's no really valid,
- 16 serious requirement of our contractors.
- 17 Thank you very much.
- 18 FACILITATOR: You mentioned a Harry
- 19 Kallipolitis. Do you know how to spell it
- 20 for her?
- 21 BILL RESCH: K -- Harry
- 22 K-a-l-l-i-p-o-l-i-t-i-s. He's a water
- 23 quality specialist, division of surface
- 24 water, central district. And we're -- he's

1	a constant professional. His outreach
2	service I mean, he works 12 hours a day
3	at times. But the process he has to command
4	is purely reactive. Do you understand?
5	He's one guy in 11 counties, and if he sees
6	a problem, it's because we've complained
7	about it. But then he goes in there and
8	there's nothing on the piece of paper but an
9	inadequate, like a sediment fence around the
10	construction site, and it has nothing to do
11	with really best management practices.
12	So Harry Kallipolitis should be
13	complemented, I think.
14	FACILITATOR: That's why I wanted
15	the spelling of his name now.
16	-=0=-
17	Thereupon, the proceedings of
18	November 13, 2001, were concluded at 5:00
19	p.m.
20	-=0=-
21	
22	
23	

1	CERTIFICATE
2	I, Sara S. Cox, RPR/CRR, a Notary
3	Public in and for the State of Ohio, do
4	hereby certify that I reported the foregoing
5	proceedings and that the foregoing
6	transcript of such proceedings is a full,
7	true and correct transcript of my stenotypy
8	notes as so taken.
9	I do further certify that I was
10	called there in the capacity of a court
11	reporter, and am not otherwise interested in
12	this proceeding.
13	In witness whereof, I have
14	hereunto set my hand and affixed my seal of
15	office at Columbus, Ohio, on this day
16	of , 2001.
17	
18	Sara S. Cox, RPR/CRR
19	Notary Public, State of Ohio
20	My commission expires: September 16, 2006
21	
22	
23	
24	